

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, APRIL 27TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

April 21, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 3718 E. San Antonio Avenue (Rep. District #3)

Scheduling a public hearing to be held on May 25th, 2004 to determine if the property located at 3718 E. San Antonio Avenue in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 23rd, 2004, Luisa N. Aguilar, 1010 E. Cliff Drive, El Paso, Texas 99902, has been notified of the violations at this property. District #3

CITY CLERK DEPARTMENT
2007 APR 22 AM 9 30

JOE WARDY
MAYOR



**BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
February 10, 2004**

Luisa N. Aguilar
1010 E. Cliff Dr.
El Paso, Texas 79902-4624

Re: 3718 E. San Antonio Ave.
Lots: S Pt. of 6 & 7 (120 Ft. on E,
50 Ft. on S, 100 Ft. on W, 53.85
Ft. on N)
Blk: 23, Woodlawn
Zoned: A-3
COD04-01980
Certified Mail Receipt #
7003 1680 0000 1711 9514

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

3718 E. San Antonio Avenue

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 3718 E. San Antonio Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter.

3718 E. San Antonio Avenue

- I. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

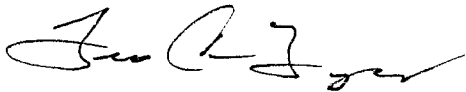
If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:



Leo CassoLopez
Building Inspector

LCL/rl

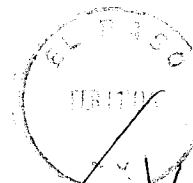


The City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901-1196

Building Permits and Inspections
Code Enforcement

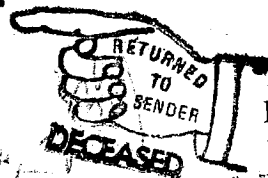


7003 1680 0000 1711 9514



U.S. POSTAGE
0442
METER 702499

RETURN RECEIPT REQUESTED



Luisa N. Aguilar
1010 E. Cliff Dr.
El Paso, Texas 79902-4624

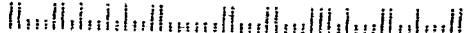
CR. INT.

1st NOTICE

2nd NOTICE

3rd NOTICE

79902-4624



FEB 25 2004

CITY OF EL PASO
BUILDING DEPARTMENT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: CC

Luisa N. Aguilar
1010 E. Cliff Dr.
El Paso, Texas 79902-4624
Re: 3718 E. San Antonio Ave.

LH #3

2. Article Number
(Transfer from service label)

7003 1680 0000 1711 9514

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

FEB 25 2004

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3718 E. San Antonio, in El Paso, Texas, which property is more particularly described as:

Lots: 6 and 7, Save and Except a portion thereof, Block 23, W.B. LATTA'S ADDITION "WOODLAWN", An Addition to the City of El Paso, El Paso County, Texas,

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Luisa N. Aguilar, 1010 E. Cliff Dr., El Paso, Texas 79902, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 27th day of April, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Teresa Garcia
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property located at 3718 E. San Antonio, was PUBLISHED in the official City newspaper on the ____ day of _____, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Luisa N. Aguilar
1010 E. Cliff Dr.
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Luisa N. Aguilar
3718 E. San Antonio
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jaime Aguilar
3718 E. San Antonio
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Juan Manuel Torres
144 N. Glenwood Dr.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Josefina A. Hernandez
3718 E. San Antonio
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 27th, 2004 regarding the property at 3718 E. San Antonio, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 3718 E. San Antonio, El Paso, Texas.

Date: _____

Time: _____

Inspector